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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/115,654 07/15/98 SHIBATA Y 98092

QM12/1221
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EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

7

DATE MAILED:

12/21/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/115,654

Applicant(s)
Shibata

Examiner
Clark F. Dexter

Group Art Unit
3724



☒ Responsive to communication(s) filed on Sep 12, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-25 is/are pending in the application.

Of the above, claim(s) 2-11 and 16 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 12-15, and 17-25 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of group IIIb (claims 1, 12-15 and 17) in the response filed September 12, 1999 (paper no. 6) is acknowledged. The traversal is on the ground(s) that claims 1 and 18 are Markush claims and that a provisional species restriction should have been made. This is not found persuasive. Primarily, the Examiner respectfully disagrees with applicant's position that claims 1 and 18 are Markush claims. Claims 1 and 18 are not Markush claims since the first and second lock means are clearly not members of any Markush group. They are not alternate locking means that can be substituted one for the other to perform the same function, but rather different locking means performing different functions (specifically, one locking means prevents horizontal movement of the saw unit, and the other locking means prevents pivotal movement of the saw unit). Rather, claims 1 and 18 define subcombinations useable together, wherein claims 12 and 19 define these subcombinations as being used together. Groups I (a and b) and II (a and b) are directed to the subcombinations, while group III (a and b) and the new set of claims (19-25) are directed to the combination. It is noted that the subcombinations have two-way distinctness with respect to the subcombinations; specifically, group I is evidence that group II is not required for the patentability of the combination, and group II is evidence that group I is not required for the patentability of the combination.

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Thus group III b (claims 1, 12-15 and 17-25) will be examined. Claims 2-11 and 16 have been withdrawn from further consideration as being drawn to a non-elected invention.

The requirement is still deemed proper and is therefore made FINAL.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement filed March 29, 1999 (paper #4) has been received and the references listed thereon have been considered.

Drawings

4. The drawings are objected to because in Figures 7, 8 and 9, "30" is incorrect and should be changed to --101-- (note that "101" is described on page 16, line 18, but not shown).
Correction is required.

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Specification

5. The disclosure is objected to because of the following informalities:

On page 7, line 25, ✓“circular saw 50” is inaccurate and improper (see lines 18-20), and it seems that it should be changed to --saw unit 50--.

On page 9, line 17, ✓“saw unit 31” is inaccurate.

On page 10, line 16, ✓“bracket” is inaccurate, and it seems that it should be changed to --member-- or the like (see lines 10-11).

On page 12, line 4, ✓“41” is incorrect; in line 12, ^{OK}it seems that a comma --,-- should be inserted after “31” for clarity.

On page 13, lines 6 and 8, ✓“51” is incorrect, and it should be changed to --52--.

On page 14, line 12, ✓“between” appears to be incorrect and it seems that it should be deleted.

On page 15, lines 15 and 17, ✓“52” is incorrect and should read --53--.

On page 17, line 17, ✓“brackets” is inaccurate, and it seems that it should be changed to --members-- or the like.

On page 18, line 4, ✓it seems that “positions” should be plural; in line 15, ✓“55” is inaccurate.

On page 20, line 9, ✓“32” is inaccurate and it seems that it should read --31--.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

6. Claims 13-15 and 17-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, line 4, structural cooperation has not been positively set forth for "a first actuator", particularly with respect to the first fixing member, and thus sufficient structure has not been set forth to perform the recited function "for operating said first fixing member"; in line 9, structural cooperation has not been positively set forth for "a second actuator", particularly with respect to the second fixing member, and thus sufficient structure has not been set forth to perform the recited function "for operating said second fixing member".

In claim 14, line 3, "a slide member" is vague and indefinite as to what disclosed "member" it refers (particularly in view of claim 15), and it seems that "member" should be changed to --mechanism-- or the like; also in line 3, structural cooperation has not been positively set forth for "a slide member", particularly with respect to the support arm (i.e., on what is the slide member supported or mounted).

In claim 15, line 14, "having a flange portion" appears to be inaccurate since the flange portion is disclosed as being part of the pivot support bracket which is not disclosed as part of the slide shaft.

In claim 17, line 4, "or" renders the limitation indefinite, and it seems that it should be changed to --and--.

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Claims 18-25 are replete with vague and indefinite language. The following are examples of many of the occurrences of such language.

In claim 18, line 6, structural cooperation is lacking for “at least one lock”; in lines 8-10, the limitation “can prevent the saw blade ... in the vertical direction” is vague and indefinite since sufficient structure has not been set forth to perform the recited function; similarly, in lines 11-13, the limitation “can prevent the saw blade ... in the horizontal direction” is vague and indefinite since sufficient structure has not been set forth to perform the recited function.

In claim 20, line 2, “a first sensor coupled to the first lock” is vague and indefinite as to what is being set forth, particularly since the first sensor is disclosed as being part of the first lock, and since it is unclear as to what “coupled” refers (i.e., how are they coupled); in line 3, the limitation “capable of detecting vertical movement of the saw blade” is vague and indefinite since sufficient structure has not been set forth to perform such a function (e.g., the structural relationship between the first sensor and other claimed features); in line 5, “a second sensor coupled to the second lock” is vague and indefinite as to what is being set forth, particularly since the second sensor is disclosed as being part of the second lock, and since it is unclear as to what “coupled” refers (i.e., how are they coupled); in lines 6-7, the limitation “capable of detecting horizontal movement of the saw blade” is vague and indefinite since sufficient structure has not been set forth to perform such a function.

In claim 21, lines 2-3, “coupled to the first lock and the first sensor” is vague and indefinite and appears to be inaccurate since the first actuator and first sensor appear to be

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disclosed as part of the first lock; similarly, in lines 4-5, "coupled to the second lock and the second sensor" is vague and indefinite and appears to be inaccurate since the second actuator and second sensor appear to be disclosed as part of the second lock. OK
←

In claim 22, line 4, "a slide member" is vague and indefinite as to what disclosed ←
"member" it refers (particularly in view of claim 23), and it seems that "member" should be changed to --mechanism-- or the like; also in line 4, structural cooperation has not been positively set forth for "a slide member", particularly with respect to the support arm (i.e., on what is the slide member supported or mounted); in lines 8-9, the phrase "can detect ... relative to the slide member" is vague and indefinite since sufficient structure has not been set forth to perform such a function; in lines 10-11, the phrase "can fix the saw blade ... of vertical pivotal movement" is ←
vague and indefinite since sufficient structure has not been set forth to perform such a function; in lines 12-13, the phrase "can detect ... relative to the support arm" is vague and indefinite since ←
sufficient structure has not been set forth to perform such a function; in lines 14-16, the phrase ←
"can fix the saw blade ... of horizontal pivotal movement" is vague and indefinite since sufficient structure has not been set forth to perform such a function; also in lines 15-16, "horizontal pivotal movement" is vague and indefinite as to what is being set forth and appears to be inaccurate.

In claim 23, line 8, structural cooperation is not sufficiently set forth between the first actuator and the first screw to perform the recited function; in line 12, "the saw unit" lacks antecedent basis; in line 14, "having a flange portion" is vague and indefinite and appears to be ←
inaccurate since the flange portion does not appear to be disclosed as part of the slide shaft; in

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line 18, structural cooperation is not sufficiently set forth between the second actuator and the second screw to perform the recited function.

In claim 24, lines 2-4, the phrase "protecting the first actuator and the first screw from the outside environment" renders the limitation vague and indefinite since sufficient structure or structural relationship has not been set forth to perform the recited function; in line 5, "covering the saw blade" is vague and indefinite and appears to be inaccurate; in lines 5-7, the phrase "protecting the second actuator and the second screw from the outside environment" renders the limitation vague and indefinite since sufficient structure or structural relationship has not been set forth to perform the recited function.

In claim 25, line 2, "a first detector plate" renders the claim vague and indefinite, particularly since it is not clear how the first detector plate relates to the first sensor (which it is disclosed as being part of); in line 3, "or" renders the limitation vague and indefinite, and it seems that it should be changed to --and--; also in line 3, "or the saw blade" renders the claim vague and indefinite and appears to be inaccurate since there is no disclosed support for anything being mounted on the saw blade; also in line 3, "is" appears to be inaccurate, and it seems that it should read --includes-- or the like; in line 10, "a plurality of second parallel identification bars" renders the claim vague and indefinite, particularly since it is not clear how the second bars relate to the second sensor (which it is disclosed as being part of); in line 11, "is" appears to be inaccurate, and it seems that it should read --includes-- or the like.

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Prior Art

7. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

Communications via Internet e-mail regarding this application, other than those under 35 USC 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [rinaldi.rada@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 USC 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
December 20, 1999